

Federal Communications Commission

§ 96.25

§ 96.21 Protection of existing operators in the 3650–3700 MHz Band.

(a) Grandfathered Wireless Broadband Licensees shall be granted Incumbent User status consistent with §§ 90.1307 and 90.1338 of this chapter. Notwithstanding this status, Grandfathered Wireless Broadband Licensees shall not cause harmful interference to federal Incumbent Users and grandfathered FSS earth stations consistent with the rules governing Citizens Broadband Radio Service operators in this part.

(1) Incumbent User protections for a Grandfathered Wireless Broadband Licensee shall only apply within its Grandfathered Wireless Protection Zone.

(2) Incumbent User protections for a Grandfathered Wireless Broadband Licensee shall only apply to Grandfathered Wireless Protection Zones around base or fixed stations that are registered in ULS on or before April 17, 2015 and constructed, in service, and fully compliant with the rules in part 90, subpart Z of this chapter as of April 17, 2016. Grandfathered Wireless Protection Zones will be reduced in geographic area and/or applicable frequency range if portions of the protected network fail to meet the above criteria after April 17, 2016. Grandfathered Wireless Protection Zones will not be defined for subscriber units operated by Grandfathered Wireless Broadband Licensees, regardless of whether they have been registered in ULS.

(3) Grandfathered Wireless Protection Zones must be registered in the SAS for these protections to apply.

(b) Grandfathered Wireless Broadband Licensees may operate within their Grandfathered Wireless Protection Zones and operational frequencies consistent with the technical rules in part 90, subpart Z, consistent with the transition period set forth in §§ 90.1307 and 90.1338 of this chapter.

(c) Grandfathered Wireless Broadband Licensees and Citizens Broadband Radio Service users must protect authorized grandfathered FSS earth stations in the 3650–3700 MHz band, consistent with the existing protection criteria in part 90, subpart Z of this chapter until the last Grand-

fathered Wireless Broadband Licensee's license expires within the protection area defined for a particular grandfathered FSS earth station. Thereafter, the protection criteria in § 96.17 applicable to similarly situated facilities shall apply.

EFFECTIVE DATE NOTE: At 80 FR 36222, June 23, 2015, § 96.21 was added, however, paragraph (a)(3) contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

Subpart C—Priority Access

§ 96.23 Authorization.

(a) Applications for PALs must:

(1) Demonstrate the applicant's qualifications to hold an authorization;

(2) State how a grant would serve the public interest, convenience, and necessity;

(3) Contain all information required by FCC rules and application forms;

(4) Propose operation of a facility or facilities in compliance with all rules governing the Citizens Broadband Radio Service; and

(5) Be amended as necessary to remain substantially accurate and complete in all significant respects, in accordance with the provisions of § 1.65 of this chapter.

(b) CBSDs used for Priority Access must register with an SAS and comply with its instructions consistent with § 96.39 and subpart F of this part.

(c) Records pertaining to PALs, including applications and licenses, shall be maintained by the Commission in a publicly accessible system.

EFFECTIVE DATE NOTE: At 80 FR 36222, June 23, 2015, § 96.23 was added, however, paragraph (b) contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 96.25 Priority access licenses.

(a) Priority Access Licensees must operate CBSDs consistent with the technical rules and interference protection requirements set forth in this part.

(b) PALs have the following parameters:

(1) *Geography*: Each PAL consists of a single License Area.

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(i) *Contiguous geographic areas*: An SAS must assign geographically contiguous PALs held by the same Priority Access Licensee to the same channels in each geographic area, to the extent feasible. The SAS may temporarily reassign individual PALs held by the same Priority Access Licensee to different channels, so that geographical contiguity is temporarily not maintained, to the extent necessary to protect Incumbent Users or if necessary to perform its required functions under subpart F of this part.

(ii) [Reserved]

(2) *Channels*: Each PAL consists of a 10 megahertz channel within the frequency range set forth in § 96.11. Channels must be assigned by the SAS. Priority Access Licensees may request a particular channel or frequency range from the SAS but will not be guaranteed a particular assignment.

(i) *Contiguous channels*: An SAS must assign multiple channels held by the same Priority Access Licensee to contiguous channels in the same License Area, to the extent feasible. The SAS may temporarily reassign individual PALs to non-contiguous channels to the extent necessary to protect Incumbent Users or if necessary to perform its required functions under subpart F of this part.

(ii) [Reserved]

(3) *License term*: Each PAL has a three-year license term. Each PAL must automatically terminate at the end of its three-year term and may not be renewed. However, Priority Access Licensees may reapply for subsequent authorizations in the same License Area, subject to the limitations set forth in § 96.27. Priority Access Licensees may hold consecutive PALs up to the maximum number set forth in § 96.27.

(c) Unused PAL channels shall be made available for assignment by the SAS for General Authorized Access use.

§ 96.27 Application window.

(a) Applications for PALs will be accepted every three years, or at such other times with respect to PALs not previously licensed as determined by the Wireless Telecommunications Bureau in accordance with the rules in

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this chapter. The application window and application process will be announced via public notice.

(b) The Wireless Telecommunications Bureau must make up to two consecutive three-year terms for any given PAL available during the first application window. During subsequent application windows, the Wireless Telecommunications Bureau shall make only one three-year license term available for any given PAL.

§ 96.29 Competitive bidding procedures.

(a) Mutually exclusive initial applications for a Priority Access License are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

(b) Applications for Priority Access Licenses are mutually exclusive when they seek in total more PALs in a particular geographic area than the number of PALs available in that geographic area.

(c) When there are two or more accepted applications for PALs in a given License Area for a specific auction, the Commission will make available for assignment one less PAL than the total number of PALs in that License Area for which all applicants have applied, up to a maximum of seven.

(d) When there is only one application for initial Priority Access Licenses in a License Area that is accepted for filing for a specific auction, no PAL will be assigned for that License Area, the auction with respect to that License Area will be canceled, and the spectrum will remain accessible solely for shared GAA use until the next filing window for competitive bidding of PALs.

EFFECTIVE DATE NOTE: At 80 FR 36222, June 23, 2015, § 96.29 was added, however, this section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 96.31 Aggregation of priority access licenses.

Priority Access Licensees may aggregate up to four PAL channels in any License Area at any given time.